

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KEVIN LEE FRANCOIS,) Case No. SACV 12-988-AG (PJW)
)
Plaintiff,) ORDER ACCEPTING FINAL REPORT RE:
) DEFENDANTS' MOTION TO DISMISS
v.) PLAINTIFF'S FIRST AMENDED
TROY ZEEMAN,) COMPLAINT AND ADOPTING FINDINGS,
et al.,) CONCLUSIONS, AND RECOMMENDATIONS
Defendants.) OF UNITED STATES MAGISTRATE JUDGE

)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the motion to dismiss Plaintiff's First Amended Complaint, the records on file herein, and the Final Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made. The Court accepts the findings and recommendations of the Magistrate Judge and adopts them as its own findings and conclusions.

1 IT IS THEREFORE ORDERED that Defendants' motion to dismiss
2 Plaintiff's excessive force claims against Defendants Gamble and
3 Zeeman is denied and Defendants' motion to dismiss the remaining
4 claims is granted without prejudice to renew should Plaintiff's
5 criminal conviction in Arizona be called into question.

6 IT IS SO ORDERED

7 DATED: March 26, 2017

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9 ANDREW J. GUILFORD
10 UNITED STATES DISTRICT JUDGE

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